

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DR. MURRAY H. KIMMEL,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CAVALRY PORTFOLIO SERVICES, LLC	:	NO. 10-680
	:	
Defendant.	:	
	:	
CAVALRY PORTFOLIO SERVICES, LLC	:	
	:	
Counterclaim Plaintiff,	:	
	:	
v.	:	
	:	
DR. MURRAY H. KIMMEL	:	
	:	
Counterclaim Defendant.	:	

ORDER

AND NOW, this 25th day of *May*, 2011, upon of consideration of Defendant/Counterclaim Plaintiff Cavalry Portfolio Services, LLC's ("Defendant") Motion for Summary Judgment as to All Claims (Docket No. 33) and Motion for Summary Judgment as to All Counterclaims (Docket No. 34), and Plaintiff/Counterclaim Defendant Dr. Murray H. Kimmel's ("Plaintiff") Responses to these Motions (Docket Nos. 36, 37, and 38), Defendant's Reply Briefs (Docket Nos. 44 and 45), and Plaintiff's Sur Replies (Docket Nos. 46 and 47); it is hereby **ORDERED** as follows:

1. Defendant's Motion for Summary Judgment as to All Claims is **GRANTED**.
2. With respect to Defendant's Motion for Summary Judgment as to All Counterclaims, Defendant's Motion on its breach of contract claim is **GRANTED** and Motion on its unjust enrichment claim is **DENIED AS MOOT**.
3. Defendant is instructed to file additional briefing on the issue of damages by **June 13, 2011**. Plaintiff's response must be filed by **June 27, 2011**.

It is so **ORDERED**.

BY THE COURT:

s/ **Ronald L. Buckwalter**
RONALD L. BUCKWALTER, S. J.